

CERTIFICATE OF MAILING

I hereby certify that this paper and every paper referred to therein as being enclosed is being deposited with the U.S. Postal Service as first class mail, postage prepaid, in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on January 14, 2000 (Date of Deposit)

Date

Name

Anthony H. Cincotta et al.

2591/1B206-US2

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Anthony H. CINCOTTA et al.

Serial No: 09/187,768

Group Art Unit: 1646

Filed: November 6, 1998

Examiner: S. Unger

For: **GROWTH INHIBITION AND ERADICATION OF SOLID TUMORS USING  
NEUROENDOCRINE RESETTING THERAPY AND PHOTODYNAMIC THERAPY**

Honorable Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

**CERTIFICATION ACCOMPANYING  
SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Sir:

I hereby certify, upon information and belief, that each item listed in this Supplemental Information Disclosure Statement was cited in a communication from a foreign Patent Office (copy enclosed) in a counterpart foreign patent application not more than three months prior to the filing of this statement.

Respectfully submitted,

S. Peter Ludwig  
S. Peter Ludwig  
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Attorney for Applicant(s)

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1/14/2000 A. DeLullo  
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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents  
Washington, DC 20231

In order to comply with discretionary regulations 37 C.F.R. § 1.97 and § 1.98, attached hereto is Form PTO-1449, and copies<sup>1</sup> of the documents listed thereon.

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<sup>1</sup>To the extent that a document is listed and no copy of same is attached, then such document is not at the present time available to the undersigned or is available in the file of a parent application. If a listed document is not in the English language and an English translation is readily available, such translation is also attached; if translation is not attached it is not readily available to the undersigned. If a foreign language patent document is cited, and an English language equivalent is known to the undersigned, then such equivalent patent is also cited on the attached form along with the corresponding foreign language patent and a connecting arrow indicated therebetween; if no

These documents contain information which the Examiner may consider to be important in deciding whether to allow the present application to issue as a patent.

In accordance with M.P.E.P. § 609 and § 707.05(b), it is requested that each document cited (including any cited in the above-identified application which is not repeated on the attached Form PTO-1449) be given thorough consideration and that each document be cited of record in the prosecution history of the above-identified application by initialing on Form PTO-1449. Such initialing is requested even if the Examiner does not consider a cited document to be sufficiently pertinent to use in a rejection, or otherwise does not consider a cited document to be prior art for any reason, or even if the Examiner does not believe that the guidelines for citation have been fully complied with. Such initialing is requested so that each cited document becomes listed on the face of any patent issuing from the above-identified application.

The present Information Disclosure Statement is being submitted in compliance with 37 C.F.R. § 1.56 insofar as an Examiner might consider any of the cited documents important in deciding whether to allow the above-identified application to issue as a patent, but the citation of each document is not to be construed as an admission that such document is necessarily relevant or prior art. No representation is intended that the cited documents represent the results of a complete search, if any search was conducted, and it is anticipated that the Examiner, in the normal course of examination, will make an independent search and will determine the best prior art

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such English language equivalent is cited, then none is known to the undersigned.

consistent with 37 C.F.R. § 1.104(a) and § 1.106(b) and, in the course of each search, will review for relevance every document cited on the attached form even if not initialed.

Applicants enclose a copy of the Supplementary European Search Report dated October 15, 1999, prepared by the International Searching Authority for the corresponding International application, and copies of the references cited therein.

Early and favorable consideration is earnestly solicited.

This Information Disclosure Statement and attached documents are filed<sup>2</sup> pursuant to 37 C.F.R. § 1.97,

☒ Para. (b) - NO FEE IS REQUIRED.

☐ Para. (c) - Enclosed is:

☐ A Certification as specified in 37 C.F.R. § 1.97(e), pursuant to 37 C.F.R. § 1.97(c); OR

☐ A fee as set forth in 37 C.F.R. § 1.17(p), pursuant to 37 C.F.R. § 1.97(c).

☐ Para. (d) - Enclosed are:

☐ A Certification as specified in 37 C.F.R. § 1.97(e), pursuant to 37 C.F.R.

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<sup>2</sup>37 C.F.R. § 1.97, Para. (b), the Information Disclosure Statement is filed:

- (1) within three months of the filing date of a national application, or
- (2) within three months of the date of entry of the national stage in an international application, or
- (3) before the mailing date of a first Office Action on the merits, whichever occurs last;

Para. (c), the Information Disclosure Statement is filed after the time period in Para. (b) but before the mailing date of:

- (1) a Final Office Action, or
- (2) a Notice of Allowance, whichever occurs first;

Para. (d), the Information Disclosure Statement is filed after the time period in Para. (c) but is filed on or before payment of the issue fee.

§ 1.97(d)(1);

☐ A Petition pursuant to 37 C.F.R. § 1.97(d)(2);

AND

☐ A fee as set forth in 37 C.F.R. § 1.17(i), pursuant to 37 C.F.R. § 1.97(d)(3).

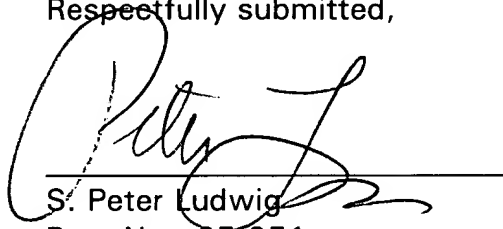
If a fee is due pursuant to 37 C.F.R. § 1.97, Para. (c)  
(\$ 240.00) or Para. (d) (\$ 130.00) as indicated above:

☐ A check in the amount of \$ is attached;

☐ Please charge the fee to Deposit Account No.  
04-0100.

☒ Please charge any additional fees up to \$500.00 or credit overpayment  
to Deposit Account No. 04-0100.

Respectfully submitted,

  
\_\_\_\_\_  
S. Peter Ludwig  
Reg. No. 25,351  
Attorney for Applicants

Dated: January 6, 2000

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